

IN RE: PETITION FOR RESIDENTIAL	* BEFORE THE
ZONING VARIANCE	
Cor. of E/S Old Harford Rd. and	* ZONING COMMISSIONER
N/S of Ellis Road	
8713 Old Harford Road	* OF BALTIMORE COUNTY
9th Election District	
6th Councilmanic District	* Case No. 95-157-A
Daniel J. Brennan, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Daniel J. Brennan and Miriam L. Brennan, his wife, for that property known as 8713 Old Harford Road in the Parkville section of Baltimore County. The Petitioner/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above ground pool) in the third of the lot closest removed from the side street, in lieu of the farthest third, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILING
 Date 11/23/98
 By Sh. Howard

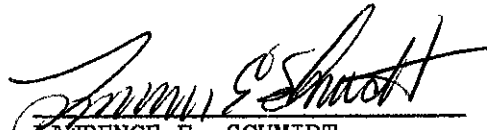
MICROFILMED

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of November, 1994 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above ground pool) in the third of the lot closest removed from the side street, in lieu of the farthest third, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date 11/23/94

By M. G. Gosh

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 22, 1994

Mr. and Mrs. Daniel J. Brennan
8713 Old Harford Rd.
Baltimore, Maryland 21234

RE: Petition for Administrative Variance
Case No. 95-157-A
Property: 8713 Old Harford Rd.

Dear Mr. and Mrs. Brennan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 8713 OLD HARFORD ROAD, BALTO. MD. 21234
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

*400.1 to permit an accessory building (above ground pool) in
the third of the lot closest removed from the side street in
lieu of the farthest third.*

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- 1. WOULD LOCATE POOL TOO CLOSE (20') TO NEIGHBOR'S KITCHEN.*
- 2. WOULD PLACE POOL WITHIN TWENTY-FIVE (25') OF EXISTING OVERHEAD ELECTRIC LINES.*
- 3. WILL RESULT IN THE REMOVAL OF SEVERAL MATURE AND HEALTHY TREES.*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

MR. DANIEL J. BRENNAN

(Type or Print Name)

Daniel J. Brennan

Signature

MRS. MIRIAM L. BRENNAN

(Type or Print Name)

Miriam L. Brennan

Signature

8713 OLD HARFORD ROAD 887-2361 (W)

Address

Phone No.

BALTIMORE, MARYLAND 21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: MSK DATE: 10/26/94

ESTIMATED POSTING DATE: 11/6/94



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on Recycled Paper

ITEM #: 155

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Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8713 OLD HARFORD ROAD
address

BALTIMORE, MARYLAND 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

CURRENT ZONING REGULATIONS WOULD PLACE THE SWIMMING POOL SITE APPROXIMATELY TWENTY (20) FEET FROM THE KITCHEN OF OUR NEIGHBOR, TO THE REAR. THE SITE ALSO WOULD BE WITHIN TWENTY-FIVE (25) FEET OF EXISTING OVERHEAD ELECTRIC LINES. FURTHER, SAID LOCATION WILL REQUIRE/RESULT IN THE REMOVAL OF SEVERAL MATURE AND HEALTHY TREES (ONE (1) EACH; BLACK GUM, ELM, TULIP POPLAR AND BEECH). FINALLY, THE SIDE STREET, ELLIS ROAD, IS A VERY LIGHTLY TRAVELED ROADWAY.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Daniel J. Brennan
(signature)
DANIEL J. BRENNAN
(type or print name)



Miriam L. Brennan
(signature)
MIRIAM L. BRENNAN
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of October, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Daniel J. Brennan and Miriam L. Brennan

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

October 12, 1994
date

[Signature]
NOTARY PUBLIC
My Commission Expires: September 1, 1995

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ZONING DESCRIPTION FOR:

**8713 OLD HARFORD ROAD
BALTIMORE, MARYLAND
21234**

Begining at a point on the east side of Old Harford Road which is fifty feet (50') wide at the distance of forty feet (40') north of the centerline of the nearest improved street Ellis Road which is fifty feet (50') wide.

As recorded in Deed Liber 6332, Folio 496, containing .998 acres. Also known as 8713 Old Harford Road and located in the 09 Election District, 6 Councilmanic District.

N. 25 degrees 51' 38" E. 11.51 ft., N. 26 degrees 06' E. 56.54 ft., S. 79 degrees 10' 07" E. 97.96 ft., N. 79 degrees 10' 07" W. 85.37 ft., S. 26 degrees 06' W. 35.54 ft., S. 25 degrees 51' 38" W. 26.09 ft., N. 83 degrees 22' 28" W. 23.10 ft., S. 88 degrees 06' 26" W. 150.13 ft., N. 30 degrees 17' 05" W. 26.78 ft. to the place of begining (metes and bounds).

#155

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-157-A

District: 9th Date of Posting: 11/5/94

Posted for: Variance

Petitioner: Daniel + Miriam Brennan

Location of property: 8713 Old Harford Rd, E/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 11/10/94

Signature

Number of Signs: 1



NOV 10 1994



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

~~001~~ Taken In By: *MMK*
Item Number: 155

Date *10/26/94*

Brennan, Daniel - 8713 Old Harford Rd

010 - Zoning Var. — \$50.00

080 - 1 sign posting — \$35.00

Total — \$85.00

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03A0340219M1C4RC
BA EOLD CLPAND-20-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

155
(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 155

Petitioner: DANIEL J. & MIRIAM L. BRENNAN

Location: 8713 OLD HARFORD ROAD, BALTO., MD. 21234

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DANIEL J. BRENNAN

ADDRESS: 8713 OLD HARFORD ROAD, BALTIMORE,
MARYLAND, 21234

PHONE NUMBER: (410) 665-9336

AJ:ggs

(Revised 04/09/93)

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Daniel J. Brennan
8713 Old Harford Road
Baltimore, Maryland 21234

NOV. 18 1994

RE: Case No. 95-157A, Item No. 155
Petitioner: Daniel & Miriam Brennan

Dear Mr. and Mrs. Brennan:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 26, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office:

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions' filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over the word "Sincerely,".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE:

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 153, 154, (155), 156, 157, 160, 162, 163, 164, 165, 168, and 171

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Sam L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 14, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for November 14, 1994
Items 153, 2, 155, 156, 157, 158, 159,
160, 161, 162 and 163

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

11-7-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109

111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Ms. JOYCE WATSON

Dear Ms. Winiarski:

Re: Baltimore County
Item No.: *155 (MJK)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 11/08/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: DISTRIBUTION MEETING OF NOV. 7, 1994.

Item No.: Zoning Agenda:

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 153, 154, 155, 156, 157,
158, 159, 160, 161, 162 AND 163.

RECEIVED

NOV 10 1994

ZADM

REVIEWER: LT. ROBERT F. SAUERWALD
Fire Marshal Office, PHONE 887-4881, 49-1102F

cc: File



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on Recycled Paper

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 4, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Daniel and Mariam Brennan
8713 Old Harford Road
Baltimore, Maryland 21234

Re: CASE NUMBER: 95-157-A (Item 155)
8713 Old Harford Road
Corner of E/S Old Harford Road and N/S of Ellis Road
9th Election District - 6th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 6, 1994. The closing date (November 21, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

RECORDED



PHOTOGRAPH INDEX (21 photographs)

1 - 4 NE corner Old Harford and Ellis Roads

1. NW corner of 8713 Old Harford Road and 8715 Old Harford Road dwelling.
2. SW corner of 8713 Old Harford Road dwelling and south side yard front fence.
3. SW corner 8713 Old Harford Road property.
4. SW corner 8713 Old Harford Road property, Ellis Road and NW side of 8707 Old Harford Road dwelling.

5 & 6 SE corner Old Harford & Ellis Roads

5. East view, south side, Ellis Road and rearview 2409 Woodcroft Road dwelling.
6. East view, north side, Ellis Road and 2406 Ellis Road dwelling and SE corner 8713 Old Harford Road property. SE corner 8713 Old Harford Road property.

7 - 13 Southside Ellis Road, East of Old Harford Road

- 7 - 12. North views of 8713 Old Harford Road property/dwelling, progressing eastward.
9. Includes 2406 Ellis Road dwelling.
- 10 - 12. Includes 8715 Old Harford Road dwelling.
13. North view of overhead electric line pole, located outside SE corner of 8713 Old Harford Road property.

14 & 15 NE corner 8713 Old Harford Road property

Location required by current Zoning Regulations for above-ground swimming pools, on corner properties.

16 & 17 SE corner 8713 Old Harford Road property

16. NW view of rear yard, includes SE corner of 8715 Old Harford Road dwelling.
17. West view of rear yard, includes east wall 8713 Old Harford Road dwelling. ***

18 Southside rear 8713 Old Harford Road property

East view, proposed/requested site for above-ground swimming pool, includes west side of 2406 Ellis Road dwelling. ***

19 - 21 NW corner, rear yard, 8713 Old Harford Road property

19. South view, proposed/requested site for above-ground swimming pool. ***
20. SE view of SE corner 8713 Old Harford Road property.
21. East view towards NE corner of 8713 Old Harford Road property. Area required by current Zoning Regulations for above-ground swimming pools, on corner properties.

*** Photographs taken on October 5, 1994. The tree stump depicted in photographs #'s 17, 18 & 19 was removed on October 9, 1994.

Daniel J. & Miriam L. Brennan
8713 Old Harford Road
Baltimore, Maryland 21234
(410-665-9336)

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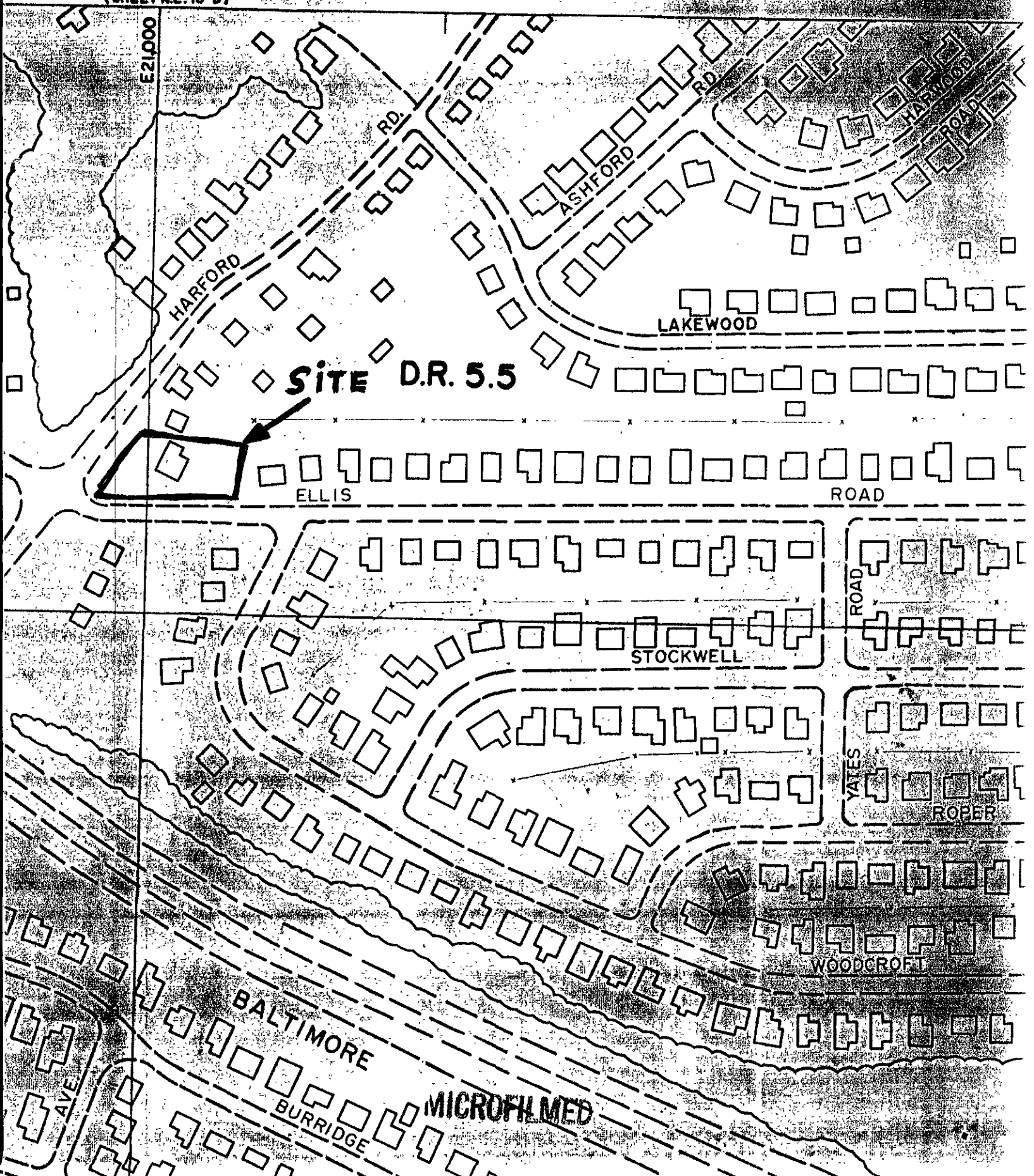
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SHEET
NE 9-D

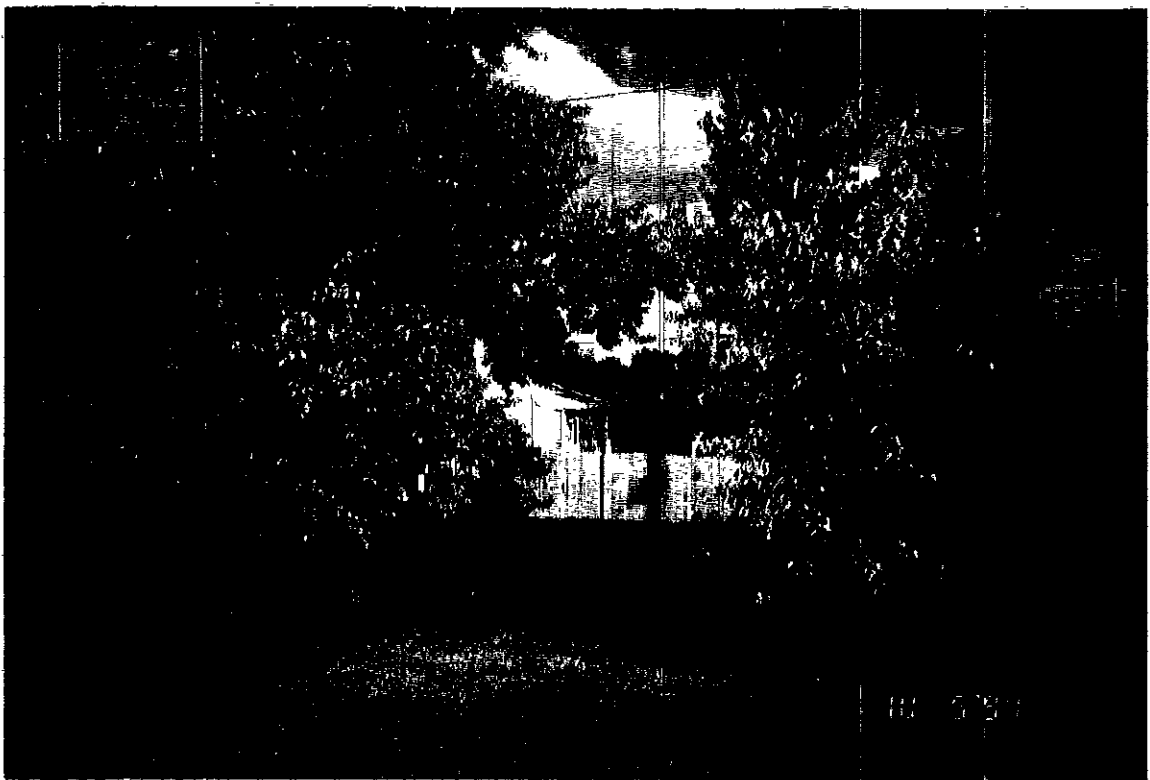
ZONING MAP

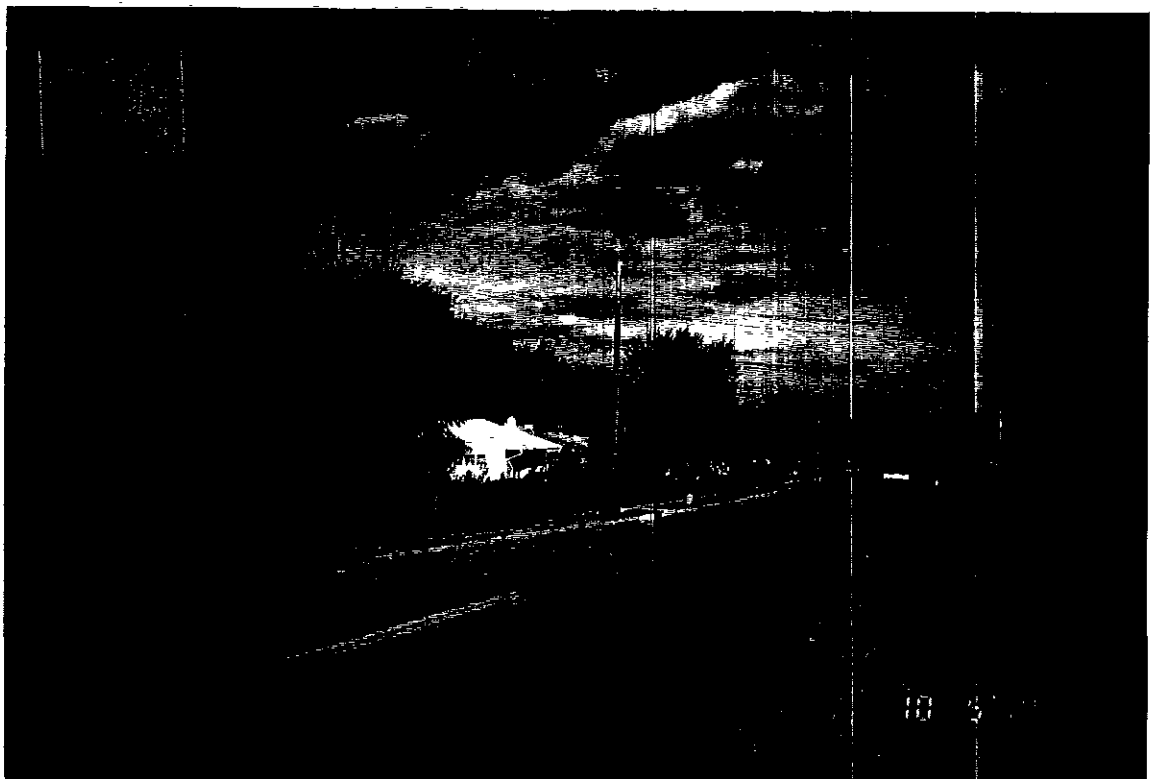
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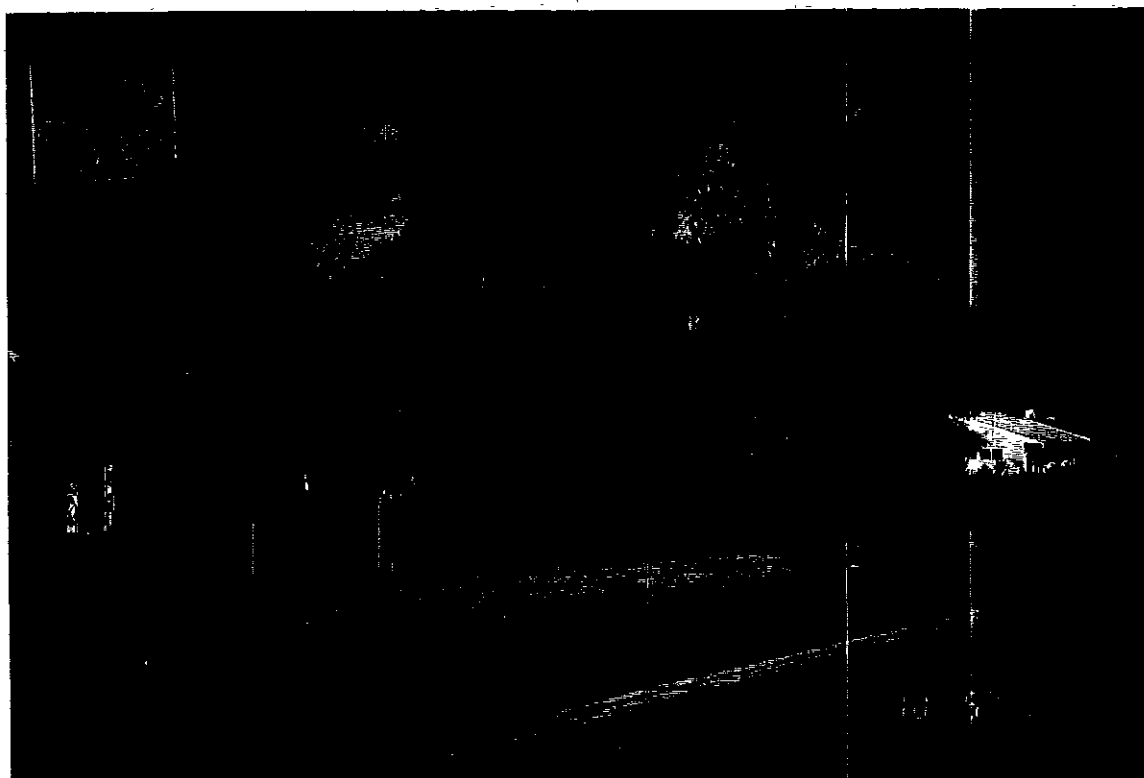
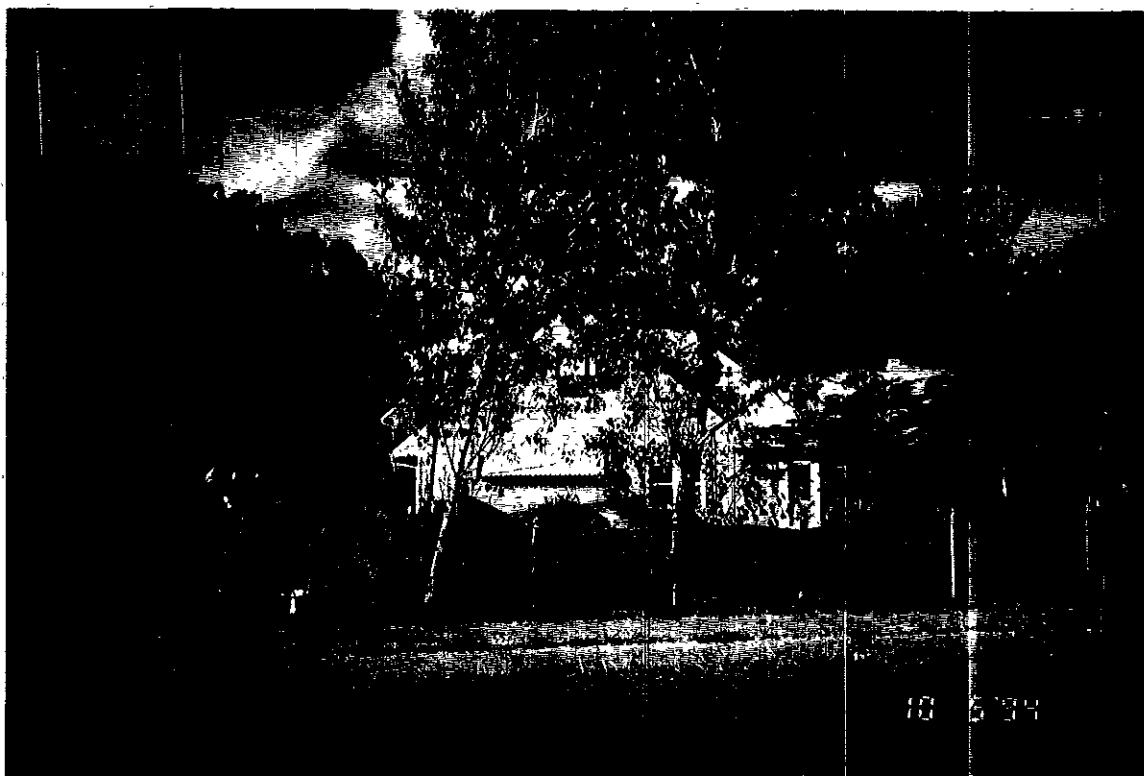
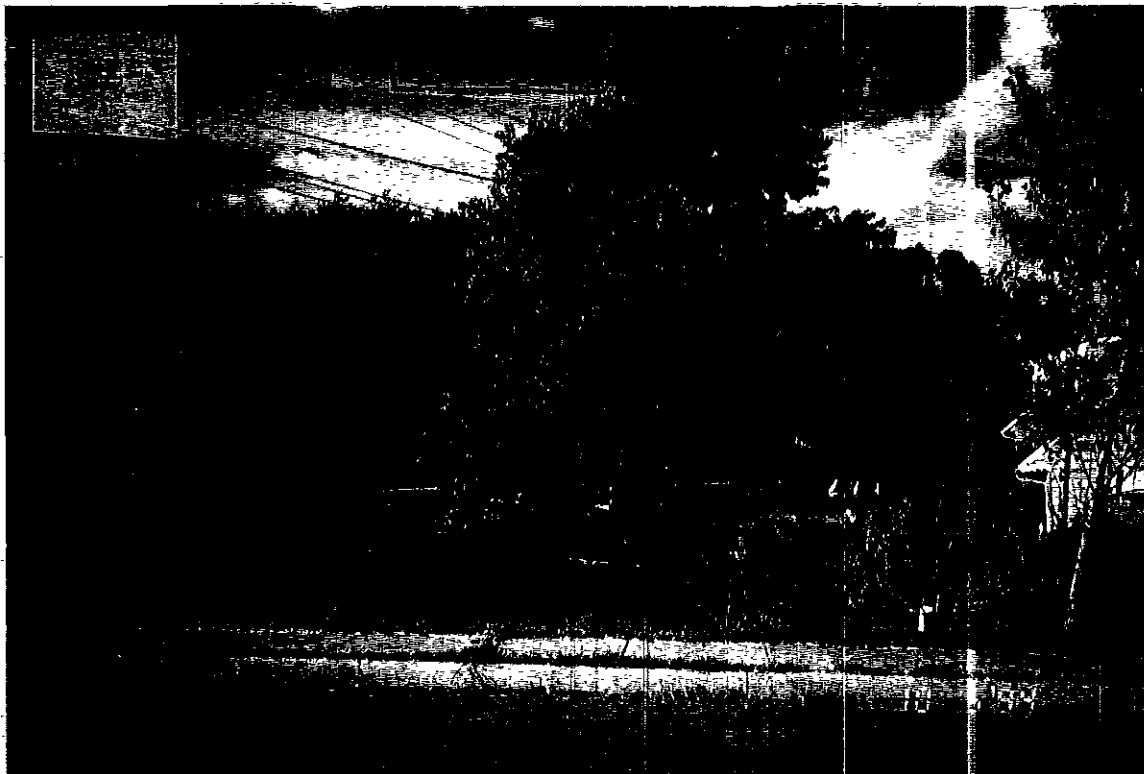
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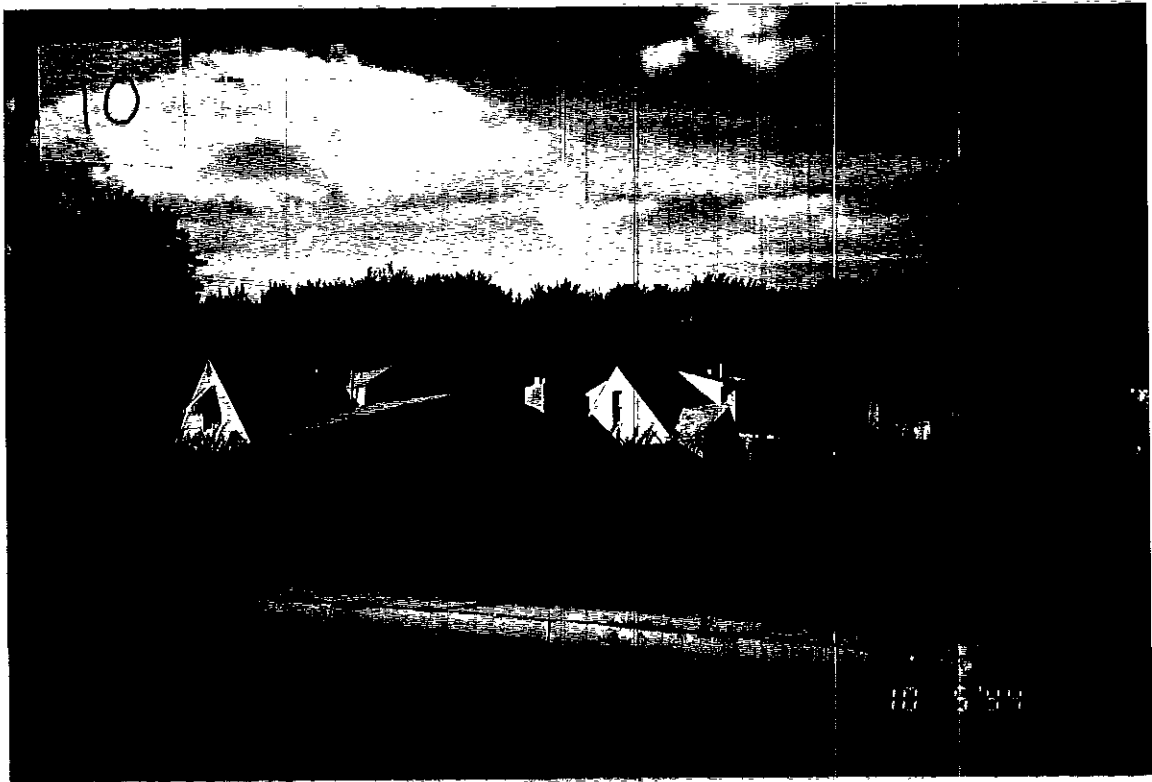


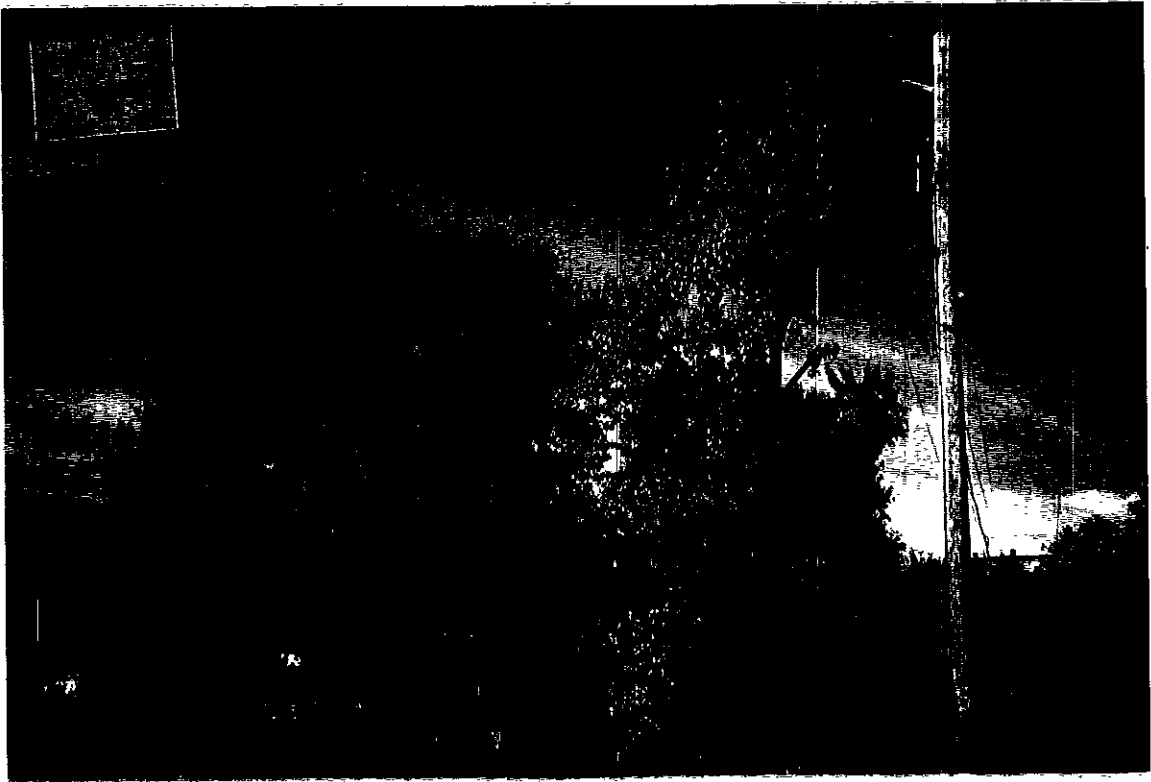
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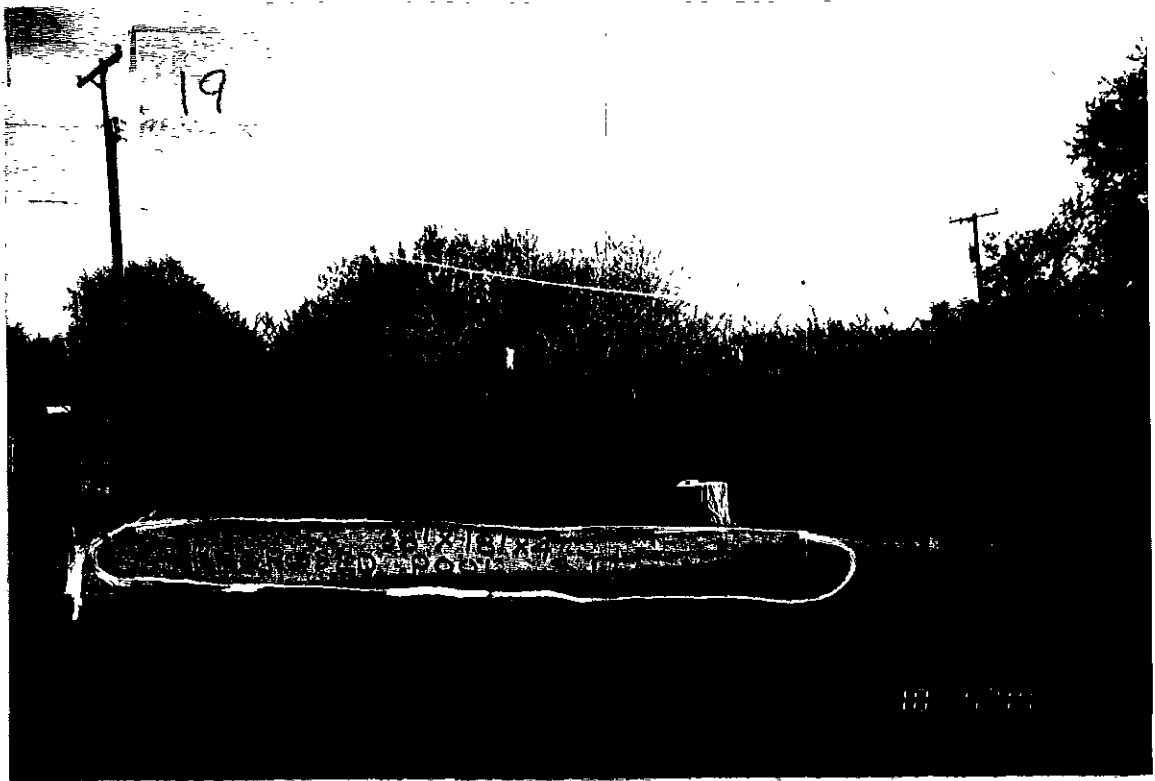












PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

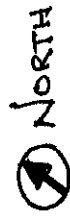
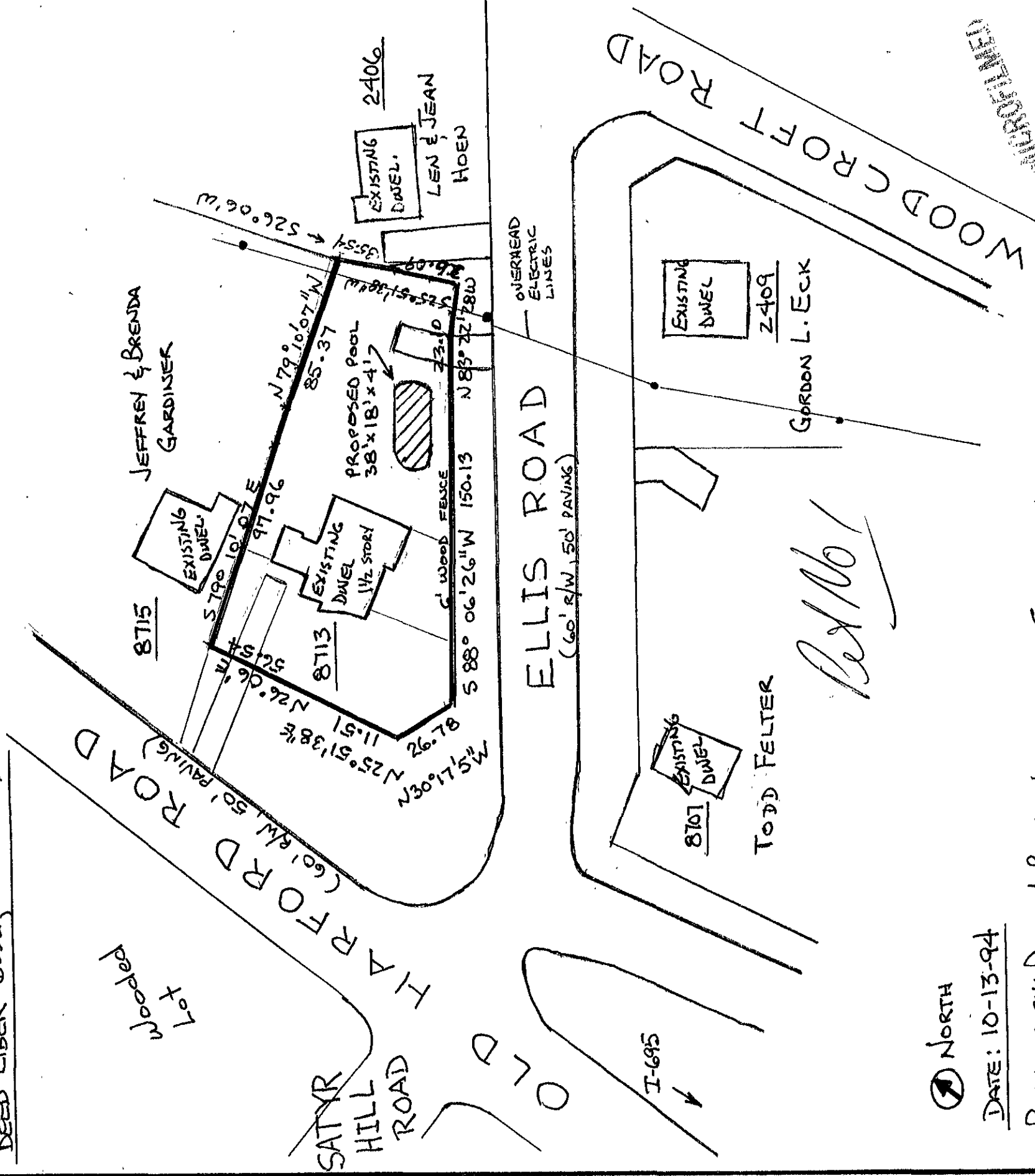
PROPERTY ADDRESS: 8713 OLD HARFORD ROAD

DEED LIBER 6332, Folio 496

OWNERS:

DANIEL J. & MIRIAM L. BRENNAN

Mr. & Mrs. Daniel J. Brennan
8713 Old Harford Rd.
Baltimore, MD 21234



DATE: 10-13-94

PREPARED BY: DANIEL J. BRENNAN

dfb

SCALE OF DRAWING
1" = 50'

VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

COUNCILMANIC DISTRICT: 6
ELECTION DISTRICT: 09
1" = 200' SCALE MAP NE-9D
ZONING: DR-5.5
LOT SIZE: .998 ACRES

SEWER ☒ PUBLIC ☒ PRIVATE
WATER ☒ YES ☒ NO
CHESAPEAKE BAY CRITICAL AREA ☒ YES ☒ NO

PRIOR ZONING HEARINGS:
NONE

ZONING OFFICE USE ONLY!
REVIEWED BY: *mfk* ITEM # 155 CASE #



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

DANIEL J. & MICHAEL L. BRENNAN
8713 OLD WARFORD ROAD
BARTOW, FLORIDA 32134

N
↓
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	PARKVILLE	N.E. 9-D
DATE OF PHOTOGRAPHY JANUARY 1986	#155	

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